

**Remarks/Arguments:**

**Claim Status**

Claims 1-2, and 8-9 are pending. The Examiner indicated in the Final Action conflicting information regarding which claims are pending. However, in the Amendment filed December 22, 2004 claims 3-7 and 10-17 were canceled. Accordingly, Applicant believes that claims 1-2 and 8-9 are properly pending.

Claims 1, 2, 8, and 9 stand rejected.

By this Amendment, claim 1 is amended and claim 8 is canceled without prejudice. No new matter is added by the claim amendment, and accordingly, entry and approval of same is respectfully requested. Support for the claim amendment is found throughout the original specification, and, more particularly, in original claim 8.

**Entry of Rule 1.116 Amendment**

Applicant requests entry of this Rule 116 Response because it only: (1) cancels claim 8; and (2) incorporates the subject matter of claim 8 into independent claim 1 to, thereby place the application in condition for allowance.

The Manual of Patent Examining Procedures sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in an Advisory Action.

**Rejection of Claims 1, 2, 8 and 9 Under 35 U.S.C. § 102(e)**

In the Action at pages 3-5, claims 1, 2, 8 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Hunter et al. (U.S. Patent No. 6,647,417) (hereafter referred to as Hunter).

Reconsideration is respectfully requested.

**Claims 1 and 8**

The subject matter of claim 8 is now incorporated into claim 1. Moreover, claim 8 has been canceled without prejudice.

Claim 1 is directed to a contents distribution system, and now recites that "said requesting device stores said sent acquisition information in said recording medium, the acquisition information being information including at least location information indicating a location at which said specified contents are stored."

In the Action the Examiner contends that "Hunter et al. teach[es] the contents distribution system according to claim 1, characterized in that said acquisition information is information containing at least location information indicating a location at which said specified contents are stored [col. 3, lines (sic) 66 to col. 4, lines (sic) 15 and col. 18, lines 14-51]."

Applicant respectfully disagrees with the Examiner regarding Hunter teaching the subject matter of claim 8 that is now incorporated into claim 1. Hunter is directed to music distribution systems via satellite. Customers may "preview" stored music for free and thereafter decide whether to purchase a permanent copy. (See Hunter at column 3, lines 53-56). Moreover, the music distribution system includes an ID tag woven into the recorded music for anti-piracy (See Hunter at column 3, lines 58-60.).

At the portions of Hunter cited by the Examiner, Hunter discloses that customer music preferences may be used to determine what content is stored in the limited space on their hard drive. (See Hunter at column 3, line 66 to column 4, line 1.) Moreover, Hunter discloses that

"when a legal CD is distributed over the Internet, via direct satellite transmission or even CDs that are manufactured for sale in CD stores, preferably two blocks of information are involved. The first block, called the "location data", is an

encrypted description of all the locations in the music to contain the entire or part of the ID tag, and the encoding techniques used for each location in which false or real bits of the ID tag will be placed. The location data is used in creating or reading the ID number but is not stored on the CD. The second block of information, called the ID number, is a unique number identifying the legal transaction. The ID number may be a customer identification number, like a credit card or phone number, or customer purchasing account number, or may be a seller generated transaction number. There are many different schemes for filling redundant ID tags encoded on a CD so that tampering or removal of any tag or part of a tag is noticed...

**Location data is communicated** to a home music factory (e.g., user station 28) as encrypted information sent **with the compressed music**,"

(emphasis added; see Hunter at column 18, lines 17-42.) That is, contrary to the present invention the location data of Hunter indicates areas on the CD having anti-piracy information and the location data is communicated with the compressed music and not prior to sending the compressed music. Hunter is silent regarding, for example, intermediate downloads of acquisition information which includes location information indicating a location at which said specified contents are stored.

Accordingly, it is submitted that claim 1 patentably distinguishes over Hunter and is allowable thereover.

### **Claims 2 and 9**

Claims 2 and 9 include all of the limitations of claim 1 and are submitted to be allowable for at least the same reasons as claim 1.

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### Conclusion

In view of the claim amendment and remarks set forth above, Applicant respectfully submit that claims 1, 2 and 9 are in condition for allowance and early notification to that effect is earnestly solicited.

Respectfully submitted,

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